

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 36967

STATE OF IDAHO,	)	2010 Unpublished Opinion No. 484
	)	
Plaintiff-Respondent,	)	Filed: May 26, 2010
	)	
v.	)	Stephen W. Kenyon, Clerk
	)	
LARRY GENE FRANKS,	)	THIS IS AN UNPUBLISHED
	)	OPINION AND SHALL NOT
Defendant-Appellant.	)	BE CITED AS AUTHORITY
	)	

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Appeal from the District Court of the Seventh Judicial District, State of Idaho, Bingham County. Hon. Jon J. Shindurling, District Judge.

Order revoking probation and reinstating previously suspended unified twelve-year sentence, with five-year determinate term, for sexual abuse of a minor child, affirmed.

Molly J. Huskey, State Appellate Public Defender; Jason C. Pintler, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Lori A. Fleming, Deputy Attorney General, Boise, for respondent.

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Before LANSING, Chief Judge; GUTIERREZ, Judge;  
and MELANSON, Judge

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PER CURIAM

Larry Gene Franks pled guilty to sexual abuse of a minor child, I.C. § 18-1506(1)(b), and the district court imposed a unified twelve-year sentence with a five-year determinate term. The district court suspended the sentence and placed Franks on probation. This probation was subsequently revoked and the suspended sentence ordered into execution. On appeal, Franks does not challenge the district court's decision to revoke probation, but argues only that this sentence is excessive and that the district court should have sua sponte reduced Jones's sentence.

Sentencing is a matter for the trial court's discretion. Both our standard of review and the factors to be considered in evaluating the reasonableness of the sentence are well established and

need not be repeated here. See *State v. Hernandez*, 121 Idaho 114, 117-18, 822 P.2d 1011, 1014-15 (Ct. App. 1991); *State v. Lopez*, 106 Idaho 447, 449-51, 680 P.2d 869, 871-73 (Ct. App. 1984); *State v. Toohill*, 103 Idaho 565, 568, 650 P.2d 707, 710 (Ct. App. 1982). When reviewing the length of a sentence, we consider the defendant's entire sentence. *State v. Oliver*, 144 Idaho 722, 726, 170 P.3d 387, 391 (2007).

When we review a sentence that is ordered into execution following a period of probation, we will examine the entire record encompassing events before and after the original judgment. *State v. Hanington*, 148 Idaho 26, 29, 218 P.3d 5, 8 (Ct. App. 2009). We base our review upon the facts existing when the sentence was imposed as well as events occurring between the original sentencing and the revocation of probation. *Id.* Applying these standards, and having reviewed the record in this case, we cannot say that the district court abused its discretion.

Therefore, the order revoking probation and directing execution of Franks's previously suspended sentence is affirmed.